



**BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND
ASSISTED LIVING FACILITY MANAGERS**

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Douglas A. Ducey
Governor

Jack Confer
Executive Director

Board Members

Ken Kidder, President
Susan Archer, Vice President
Pauline (Wally) Campbell, Member
Fred Randolph, Member
Melanie Seamans, Member
James Steven, Member

**MINUTES
REGULAR MEETING**

April 25, 2022

I. CALL TO ORDER

Vice President Archer called the meeting to order at 9:02 a.m.

II. ROLL CALL

Vice President Archer, Member Steven, and Member Campbell were present in person; Member Randolph, Member Seamans and President Kidder were present by telephone.

Attendance: Executive Director Jack Confer, Chief Investigator Brandon Eaden, Licensing Administrator Mona Leonard, Project Specialist Elizabeth Bronold and Assistant Attorney General Justin Larson.

III. DECLARATION OF CONFLICTS OF INTEREST – A.R.S. § 38-503

There were no conflicts of interest. Vice President Archer stated that she knows the licensees on complaints 21-164 and 2022-NCI-0023, however, she has no independent knowledge of the case outside of what was provided by board staff.

IV. CALL TO THE PUBLIC

No one wishes to speak.

V. REVIEW, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF MINUTES

Board Review, Consideration and Action on Approval of Minutes

A. Regular Meeting Minutes, April 11, 2022

President Kidder made a motion seconded Member Campbell by to approve the minutes for the April 11, 2022 Board Meeting.

VI. REVIEW, DISCUSSION AND POSSIBLE ACTION ON COMPLAINT CASE REVIEWS

A. **CONSENT AGENDA:**

Consent agenda items may be considered as a single action unless a Board member or interested party wishes to remove an item for discussion.

Staff Recommendation for Non-Disciplinary Letter of Concern(s):

22.	21-164	Tonna, Jennifer	Manager
23.	2022-NCI-0028	Mercer, Brenda Jo	Manager
24.	2022-NCI-0032	Rosness, John	Manager
25.	2022-NCI-0014	Dawson, Emily	Administrator
26.	2022-NCI-0024	Bakwin, Barbara	Manager

President Kidder made a motion seconded by Member Seamans to approve the staff recommendation for a non-disciplinary letter of concern for agenda items VI (A) 22-26.

Emily Dawson stated that she would like to address the Board about case number 2022-NCI-0014,

Vice President Archer made a motion seconded by Member Campbell to approve the staff recommendation for a non-disciplinary letter of concern for agenda items VI (A) 22-24 and 26.

Motion passed (6-0).

Staff Recommendation for Non-Disciplinary Letter of Concern(s):

25.	2022-NCI-0014	Dawson, Emily	Administrator
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Chief Investigator Eaden summarized the case for the Board. Emily Dawson was present at the meeting and answered the questions from the Board. Ms. Dawson stated that she was a lot of challenges with staffing at the facility during the time of the survey. She stated that there were issues with inaccurate documentation. She tried to do an IDR for that incident. Ms. Dawson stated that she no longer works at the facility. There were seven directors of nursing within a two-year period. She stated she wrote the plan of correction for the original survey and she was present at the follow up survey. Ms. Dawson stated that a lot of the issues were a result of corporate not supporting the facility.

President Kidder made a motion seconded by Vice President Archer to dismiss compliant 2022-NCI-0014 against Administrator Emily Dawson.

Motion passed (5-1).

Staff Recommendation for Dismissal(s)

27.	21-167	Ochoa, Evelyn	Manager
28.	21-169	Libiran, Virgrid	Manager
29.	21-183	Arayon, Caroline	Manager
30.	21-185	Zimmerman, Stacey	Manager
31.	21-186	Green, Victoria	Manager
32.	21-187	Price, Apryl	Manager
33.	21-189	Gabi, Julieta	Manager
34.	21-192	Hajdu, Irene	Manager
35.	2022-NCI-0001	Horton, Lori	Manager
36.	2022-NCI-0003	Letson, Jeanette	Manager
37.	2022-NCI-0005	Balanica, Iulian	Manager
38.	2022-NCI-0006	Cota, Jennipher	Manager

39.	2022-NCI-0007	Macaulay, Sandra	Manager
40.	2022-NCI-0009	Lumpkin, Janet	Administrator
41.	2022-NCI-0023	Kopp, Debera	Manager
42.	2022-NCI-0042	Mahaffey, April	Manager
43.	2022-NCI-0045	Soden, Shirleta	Manager
44.	2022-NCI-0072	Glazier, Mark	Administrator

President Kidder made a motion seconded by Member Campbell to approve the staff recommendation and dismiss the complaints in agenda items VI (A) 27-44.

Motion passed (6-0).

Staff Recommendation for Disciplinary Consent Agreement(s):

1. 21-188 Murillo, Arturo Manager

Chief Investigator Eaden summarized the case for the Board. Arturo Murillo was present at the meeting and answered the questions from the board. Mr. Murillo stated that his designee was present at the time of the survey. Mr. Murillo stated that one of the caregivers working at the facility had a fraudulent certificate. Mr. Murillo stated that the employee was fired immediately after they found out the certificate was fraudulent. He stated that the disaster drills were done and documented, but the documents were misplaced.

President Kidder made a motion seconded by Vice President Archer that based upon the information contained in the investigation report, the Board finds sufficient evidence of a violation of A.R.S. § 36-446.07(B)(3) as defined by A.R.S. § 36-446 (10)(a) for unprofessional conduct and AAC R4-33-407(A)(B)(1), in complaint number 21-188 involving manager Arturo Murillo and to offer a consent agreement to be signed within 10 days or the matter will proceed to formal hearing. The terms shall include the following to be completed within 3 months:

- a) Reimbursement of investigative costs \$467.00
- b) 3 hours of Board approved continuing education in personnel requirements

Motion passed (6-0).

2. 21-190 Soto, Patricia Manager

Chief Investigator Eaden summarized the case for the Board. Patricia Soto was present at the meeting and answered the questions from the Board. Ms. Soto stated that the resident's provider stated that the resident could have bed rails. Ms. Soto stated that she thought the resident was able to have bedrails since the provider documented that the resident needed bedrails. She stated that she has been a manager for at least twenty years. She said she should have requested a lower bed for the resident.

President Kidder made a motion seconded by Member Seamans that based upon the information contained in the investigation report, the Board finds sufficient evidence of a violation of A.R.S. § 36-446.07(B)(3) as defined by A.R.S. § 36-446 (10)(a) for unprofessional conduct and AAC R4-33-407(A)(B)(1), in complaint number 21-190 involving manager Patricia Soto and to offer a consent agreement to be signed within 10 days or the matter will proceed to formal hearing. The terms shall include the following to be completed within 3 months:

- a) Reimbursement of investigative costs \$575.00
- b) 3 hours of Board approved continuing education in resident rights
- c) 3 hours of Board approved continuing education in residency agreements

Motion passed (6-0).

3. 21-191

Waddell, Daniel

Administrator

Chief Investigator Eaden summarized the case for the Board. Daniel Waddell was present at the meeting and answered the questions from the Board. Mr. Waddell stated that a resident was supposed to have dining assistance and the aid dropped of the food to the resident's room without assisted with dining. Mr. Waddell stated that they now a continual audit that is done at each meal to ensure that all residents are being assisted as needed. He stated that a lot of the facility's focus was on COVID-19 precautions.

President Kidder made a motion seconded by Member Randolph to dismiss complaint 21-191 against Administrator Daniel Waddell.

Motion was defeated (3-3).

Executive Director Confer stated that the board can deliberate further, and a member could make a new motion.

The Board discussed the case further to determine if the Administrator's actions were considered unprofessional conduct.

President Kidder made a motion seconded by Member Campbell to issue a non-disciplinary letter of concern to Administrator Daniel Waddell. The Board's concern is the Administrator failed to ensure dietary policies and procedures were properly carried out.

Motion passed (6-0).

4. 2022-NCI-0002

Miller, Celeste

Manager

5. 2022-NCI-0031

Miller, Celeste

Manager

Chief Investigator Eaden summarized the two cases for the Board. Celeste Miller was present at the meeting and answered the questions from the Board. Ms. Miller stated that the fingerprint clearance card was suspended for one month. She stated that there was not an interim manager during that time. Ms. Miller stated that her card was suspended because she was arrested for domestic violence in August 2021. The case has since been dismissed. She stated that she trusted corporate to ensure that the facility was in compliance so she was focused on other areas. She stated that she should have conducted an audit. Ms. Miller no longer works at the facility, and she does not currently work anywhere as a manager.

President Kidder made a motion seconded by Member Randolph that based upon the information contained in the investigation report, the Board finds sufficient evidence of a violation of A.R.S. § 36-446.07(B)(3) as defined by A.R.S. § 36-446 (10)(a) for unprofessional conduct and AAC R4-33-407(A)(B)(1), in complaint number 2022-NCI-0002 involving manager Celeste Miller and to offer a consent agreement to be signed within 10 days or the matter will proceed to formal hearing. The terms shall include the following to be completed within 3 months:

- a) Reimbursement of investigative costs \$658.00
- b) 3 hours of Board approved continuing education in personnel requirements
- c) 3 hours of Board approved continuing education in incident reporting

Motion passed (4-2).

President Kidder made a motion seconded by Member Randolph to include complaint 2022-NCI-0031 in his previous motion.

Motion passed (6-0).

At 10:40 am Vice President Archer called for a ten-minute break.

At 10:50 am Vice President called for a roll call. All board members were back from the break.

6.	2022-NCI-0008	Tudose, Sylvia	Manager
7.	2022-NCI-0026	Tudose, Sylvia	Manager

Vice President Archer made a motion seconded by Member Campbell to combine cases 2022-NCI-0008 and 2022-NCI-0026.

Motion passed (6-0).

Chief Investigator Eaden summarized the two cases for the board. Sylvia Tudose was present at the board meeting along with Maria Padureanu who is the owner of the home. Ms. Padureanu stated that the expired CPR card was the owner's card. The employee who had an expired fingerprint clearance card had sent in an application for a new fingerprint clearance card. Ms. Tudose stated that the owner now has her CPR card and it is in her employee file. Vice President Archer asked where Ms. Tudose would go to verify a fingerprint clearance card or an application. Ms. Tudose stated that the employee now has a valid fingerprint clearance card. Ms. Tudose stated that there are cameras at the facility and the doors have alarms, so she will know if a resident tries to exit the facility.

President Kidder made a motion seconded by Member Campbell that based upon the information contained in the investigation report, the Board finds sufficient evidence of a violation of A.R.S. § 36-446.07(B)(3) as defined by A.R.S. § 36-446 (10)(a) for unprofessional conduct and AAC R4-33-407(A)(B)(1), in complaint numbers 2022-NCI-0008 and 2022-NCI-0026 involving manager Sylvia Tudose and to offer a consent agreement to be signed within 10 days or the matter will proceed to formal hearing. The terms shall include the following to be completed within 3 months:

- a) Reimbursement of investigative costs \$574 and \$584 for a total of \$1,158
- b) 3 hours of Board approved continuing education in personnel requirements
- c) 3 hours of Board approved continuing education in medication management
- d) 3 hours of Board approved continuing education in incident reporting
- e) 3 hours of Board approved continuing education in environmental standards

Motion passed (6-0).

8.	2022-NCI-0013	Truong, Cuong	Manager
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Chief Investigator Eaden summarized the case for the Board. Cuong Truong was present at the meeting and answered the questions from the Board. Mr. Truong stated that he designated three people as the manager at the facility. Mr. Truong stated that the owner of the facility made all of the decisions for the facility. He stated that he no longer works at the facility. He is not currently managing a facility. He stated that if he were to manage a facility now he would ensure that the facility is compliant with DHS and the NCIA Board. He stated that he would come in to the facility to educate the caregivers on medication and documentation.

President Kidder made a motion seconded by Vice President Archer that based upon the information contained in the investigation report, the Board finds sufficient evidence of a violation of A.R.S. § 36-446.07(B)(3) as defined by A.R.S. § 36-446 (10)(a) for unprofessional conduct and AAC R4-33-407(A)(B)(1), in complaint number 2022-NCI-0013 manager Cuong Truong and to offer a consent agreement to be signed within 10 days or the matter will proceed to formal hearing. The terms shall include the following to be completed within 3 months:

- a) Reimbursement of investigative costs \$614
- b) 3 hours of Board approved continuing education in ethics

Motion passed (6-0).

9. 2022-NCI-0016

Olari, Lidia

Manager

Chief Investigator Eaden summarized the case for the Board. Lidia Olari was present at the meeting along with her daughter Amelia Olari. Amelia Olari stated that she is the owner of the home and a manger designee. Lidia Olari stated that she no longer works at the facility, but she does manager another home. Ms. Olari stated that she has been a manager for twenty-five years.

Vice President Archer made a motion seconded by Member Campbell that based upon the information contained in the investigation report, the Board finds sufficient evidence of a violation of A.R.S. § 36-446.07(B)(3) as defined by A.R.S. § 36-446 (10)(a) for unprofessional conduct and AAC R4-33-407(A)(B)(1), in complaint number 2022-NCI-0016 manager Lidia Olari and to offer a consent agreement to be signed within 10 days or the matter will proceed to formal hearing. The terms shall include the following to be completed within 3 months:

- a) Reimbursement of investigative costs \$563
- b) 3 hours of Board approved continuing education in medication management
- c) 3 hours of Board approved continuing education in residency admissions
- d) 3 hours of Board approved continuing education in service plans

Motion passed (6-0).

10. 2022-NCI-0017

Gondec, Andrei

Manager

Chief Investigator Eaden summarized the case for the Board. Andrei Gondec was present at the meeting and answered the questions from the Board. Mr. Gondec stated that he was out of the country when the inspection occurred. He stated that he thought that everything from the first survey was fixed. He was out of the country two different times each for three weeks at a time. Mr. Gondec stated that he is staying at the facility working for free until the owner can find a new manager. He stated that the owner hires the employees and he checks the documents that the employee provides. He stated that a nurse came in to the facility to train the employees on colostomy care. This training was not documented at that time.

President Kidder made a motion seconded by Member Campbell that based upon the information contained in the investigation report, the Board finds sufficient evidence of a violation of A.R.S. § 36-446.07(B)(3) as defined by A.R.S. § 36-446 (10)(a) for unprofessional conduct and AAC R4-33-407(A)(B)(1), in complaint number 2022-NCI-0017 manager Andrei Gondec and to offer a consent agreement to be signed within 10 days or the matter will proceed to formal hearing. The terms shall include the following to be completed within 3 months:

- a) Reimbursement of investigative costs \$623
- b) Successfully complete the 40-hour Manager Training Course
- c) Successfully pass the Manager exam offered by the NCIA Board

Motion passed (6-0).

11. 2022-NCI-0018

Kebede, Bethel

Manager

Ms. Kebede was not present at the meeting.

12. 2022-NCI-0019

Heck, Peter

Manager

Chief Investigator Eaden summarized the case for the Board. Peter Heck was present at the meeting and answered the questions from the Board. He stated that under A.R.S. 36-411 his interpretation was that only direct care workers need to be fingerprinted. Mr. Heck stated that his plan of correction stated that all staff will be fingerprinted.

President Kidder made a motion seconded by Member Campbell to dismiss complaint 2022-NCI-0019 against manager Peter Heck.

Motion passed (6-0).

13. 2022-NCI-0021

Njoroge, Caroline

Manager

Chief Investigator Eaden summarized the case for the Board. Caroline Njoroge was present at the meeting and answered the questions from the Board. Ms. Njoroge stated now before an employee starts at the facility she will ensure that they provide all of the documents that are needed. There was nothing in the employees file to state that the employee had a TB test done. She stated that not designating a caregiver in writing is a repeat deficiency.

President Kidder made a motion seconded by Vice President Archer to issue a non-disciplinary letter of concern to manager Caroline Njoroge. The Board's concern is the manager failed to maintain personnel requirements.

Motion passed (6-0).

14. 2022-NCI-0025

Szymanski, Chad

Manager

Mr. Szymanski was not present at the meeting and the case was moved to the next board meeting.

15. 2022-NCI-0027

Pelroy, Sylvia

Manager

Chief Investigator Eaden summarized the case for the Board. Sylvia Pelroy was present at the meeting and answered the questions from the Board. Ms. Pelroy stated that she thought that DHS was allowing CPR online only. She stated that she had previously spoke with someone at DHS who informed her that online only CPR was acceptable. The employee has since taken in person CPR and now has a valid CPR certification. Ms. Pelroy stated that she now fully understands the rule and it is clear to her that employees' CPR must include the in-person portion.

President Kidder made a motion seconded by Member Campbell that based upon the information contained in the investigation report, the Board finds sufficient evidence of a violation of A.R.S. § 36-446.07(B)(3) as defined by A.R.S. § 36-446 (10)(a) for unprofessional conduct and AAC R4-33-407(A)(B)(1), in complaint number 2022-NCI-0027 manager Sylvia Pelroy and to offer a consent agreement to be signed within 10 days or the matter will proceed to formal hearing. The terms shall include the following to be completed within 3 months:

- a) Reimbursement of investigative costs \$654
- b) Successfully complete the 40-hour Manager Training Course
- c) Successfully pass the Manager exam offered by the NCIA Board

Motion passed (6-0).

16. 2022-NCI-0050

Gutierrez, Vick

Manager

Chief Investigator Eaden summarized the case for the Board. Vick Gutierrez was present at the meeting and answered the questions from the Board. Mr. Gutierrez stated that he does not do the interviews for the employees. Mr. Gutierrez stated the he is not communicated as well with the owners as well as he was when he started at the facility. He stated that he left the no longer works at the facility. He manages a different home now and he stated that he works longer hours at the home now. He reviews all of the employee documents now and does not rely so much on the owner to verify documents. Mr. Gutierrez stated that in the future when he starts at a facility he will have a written agreement with the owner.

President Kidder made a motion seconded by Member Campbell to issue a non-disciplinary letter of concern to manager Vick Gutierrez. The Board's concern is that the manager failed to maintain adequate personnel requirements.

Motion passed (6-0).

17. 2022-NCI-0051

Robinson, James

Manager

Chief Investigator Eaden summarized the case for the Board. James Robinson was present at the meeting and answered the questions from the Board. Mr. Robinson stated that one of the caregiver's fingerprint clearance card had just expired before the survey. The other caregiver without a fingerprint clearance card had just started at the facility and he was waiting for her to provide documentation of the fingerprint clearance card. He stated that now the files are checked by his assistant manager first then the documents are checked by him independently to ensure all documents are provided.

President Kidder made a motion seconded by Member Campbell to issue a non-disciplinary letter of concern to manager James Robinson. The Board's concern is that the manager failed to maintain adequate personnel requirements.

Motion passed (6-0).

18. 2022-NCI-0052

Stein, Barbra

Manager

Chief Investigator Eaden summarized the case for the Board. Barbra Stein was present at the meeting and answered the questions from the Board. Ms. Stein stated that all of the deficiencies have been corrected since the survey. She brought someone in to do CPR training with the staff.

President Kidder made a motion seconded by Vice President Archer to dismiss complaint 2022-NCI-0052 against manager Barbra Stein.

Motion passed (6-0).

19. 2022-NCI-0055

Gann, Shauna

Manager

Chief Investigator Eaden summarized the case for the Board. Shauna Gann was present at the meeting and answered the questions from the Board. She stated that the fingerprint clearance card that expired was the owner's fingerprint clearance card. Ms. Gann will now be doing quarterly audits to ensure that all of the employees' documents are up to date.

Vice President Archer made a motion seconded by Member Campbell to dismiss complaint 2022-NCI-0055 against manager Shauna Gann.

Motion passed (6-0).

20. 2022-NCI-0056

Caspe, Annette

Manager

Chief Investigator Eaden summarized the case for the Board. Annette Caspe was present at the meeting and answered the questions from the Board. Ms. Caspe stated that she usually waits fourteen days to complete the service plan to ensure it is appropriate for each resident. Ms. Caspe stated that she understands the service plan must be completed no later than fourteen days after the date of acceptance of a resident.

Vice President Archer made a motion seconded by Member Campbell to dismiss complaint 2022-NCI-0056 against manager Annette Caspe.

Motion passed (6-0).

21. 2022-NCI-0075

Christian, Jody

Administrator

Ms. Christian was not present at the meeting and the case was moved to the next board meeting.

X. ADJOURMENT

Vice President Archer made a motion adjourned the meeting at 1:04 p.m.



Jack Confer, Executive Director

FEDERAL